

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIRNA JUET LOPEZ,

Plaintiff,

Civil Action No.:

1:19-cv-10692-JMF-KNF

- against -

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER**

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The Court, having read the memorandum and affirmation of Daniel Berger, attorney for Plaintiff in the above entitled case, requesting an award of attorney's fees in accordance with 42 U.S.C. § 406(b), and upon all the supporting documents annexed thereto,

**IT IS ORDERED** that attorney's fees in the amount of \$24,123.75, which represents 25% of the past due benefits awarded to Plaintiff, be remitted to Daniel Berger, petitioner and counsel for Plaintiff before this Court.

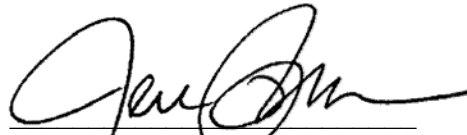
**IT IS FURTHER ORDERED** that, pursuant to the fee agreement signed by Plaintiff, counsel for Plaintiff shall not attempt to collect, or retain, any combination of fees in excess of \$24,123.75 under both 42 U.S.C. § 406(a) and § 406(b).

**IT IS FURTHER ORDERED** that because the agency inadvertently withheld less than 25% of the past due benefits awarded and that has been found reasonable by this Court, counsel will follow the procedure set out in the Social Security Administration Program Operations Manual System (POMS) GN 03920.055 (2001 WL 1929691), to recoup the remaining \$18,123.75 owed to Mr. Berger that was inadvertently not withheld by the agency.

**IT IS FURTHER ORDERED** that upon receipt of fees authorized under 42 U.S.C. §

406(b), counsel for Plaintiff is directed to remit \$3,865.00 in fees to Plaintiff, which represents the previously awarded Equal Access to Justice Act fees in this case.

DATED: February 22, 2021



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JESSE M. FURMAN  
United States District Judge

The Clerk of Court is directed to terminate ECF No. 18.